

STAND. COM. REP. NO.

2704

Honolulu, Hawaii

MAR 04 2016

RE: S.B. No. 2666
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2666, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO INSURANCE,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit health insurers, mutual benefit societies, and health maintenance organizations from discriminating against a person with respect to participation and coverage under a policy, contract, plan, or agreement on the basis of the person's actual gender identity or perceived gender identity.

Your Committee received testimony in support of this measure from the American Civil Liberties Union of Hawaii, Hawaii Medical Service Association, Hawk Health, LGBT Caucus of the Democratic Party of Hawai'i, Equality Hawai'i, Planned Parenthood Votes Northwest and Hawaii, and ten individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that many health insurance plans and policies include some form of transgender-specific exclusions. As a result, transgender individuals are excluded from health care coverage based on actual gender identity or perceived gender identity, rather than because of lack of medical necessity of treatment. While discriminatory exclusions in health insurance policies can impact transition-related services, these exclusions may also prevent transgender individuals from obtaining common

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wellness care treatment. Discrimination against the transgender community can have profound effects on the health care system as a whole, including increased emergency room visits, hospital admissions, and long term care needs that result from delayed or denied treatment for transgender individuals.

Your Committee further finds that ten jurisdictions, including the District of Columbia, have laws and policies protecting against discriminatory exclusions and denials of treatment based on gender identity, in at least some circumstances. The federal government is also currently acting to address the issue of discriminatory exclusions in health insurance plans. Implementation of this measure will enable Hawaii to follow this national trend by prohibiting discrimination in health care coverage, services, and treatment on the basis of actual gender identity or perceived gender identity.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2666, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2666, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2666 SDI	Committee Referral: CPH, JDL	Date: 3/1/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike				/
KAHELE, Kaiali'i				/
KIM, Donna Mercado				/
THIELEN, Laura H.	/			
SLOM, Sam	/			
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes